

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4802 OF 2026

Bank of Maharashtra
through Sanjeev Varma ... Petitioner
Versus
The State of Maharashtra & Ors. ... Respondents

Mr. Sanjay Anabhawane i/by Medha Rane for the Petitioner.
Mrs. G. R. Raghuwanshi, AGP for Respondent No.1-State.

**CORAM : MANISH PITALE AND
SHREERAM V. SHIRSAT, JJ.**

DATE : 17th APRIL 2026

P.C. :

. The petitioner-bank is a secured creditor, constrained to knock the doors of the writ Court in the circumstances that are repeatedly found in District Pune, where borrowers are defiantly trespassing into properties (secured assets), despite secured creditors like the petitioner-bank taking physical possession, in accordance with law.

2. In the present case, the Competent Magistrate had passed an order on 3rd July 2024 under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (Securitisation Act). In pursuance of the said order, the petitioner-bank took physical possession of the secured asset on 4th October 2025. It is submitted that on the next date,

the borrowers trespassed into the property, in respect of which the petitioner-bank approached the local police station to lodge a complaint, but the same was allegedly not accepted by the concerned police station.

3. At this stage, the learned counsel for the petitioner-bank submits that due to inadvertence respondent No.4 has been wrongly shown as Senior Inspector of Police of MIDC Bhosari Police Station, Pimpri-Chinchwad, Pune. He seeks leave to amend the cause title, so as to show the correct representation of the respondent No.4. In the interest of justice, leave is granted to the petitioner to carry out the aforesaid amendment. The amendment shall be carried out forthwith.

4. Considering the facts brought to our notice, we are of the opinion that positive directions are necessary.

5. In view of the above, respondent No.3-Court Commissioner is directed to take physical possession of the subject property (secured asset) on 5th May 2026. For the said purpose, the respondent No.4-Senior Inspector of Police, Hinjewadi Police Station, Pune, shall provide appropriate number of police personnel to assist the respondent No.3-Court Commissioner in executing the said direction. This would include lady constables. The police shall apply appropriate, reasonable and necessary force to take physical possession of the secured asset to hand it over to the petitioner-bank, on the same date.

6. It is made clear that if the directions given hereinabove are not complied with, the respondent No.4-Senior Inspector of Police, Hinjewadi Police Station, Pune, shall remain personally present in the Court, on the next date of listing.

7. List under the caption 'for compliance' on 6th May 2026.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)